

UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF WISCONSIN

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UNIVERSITY OF WISCONSIN HOSPITAL  
AND CLINICS, INC., and UNIVERSITY OF  
WISCONSIN MEDICAL FOUNDATION,  
INC.,

Case No: 12-cv-31

Plaintiffs,

vs.

EPCO CARBON DIOXIDE PRODUCTS, INC.  
HEALTHCARE PLAN,

Defendants.

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**NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT**

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PLEASE TAKE NOTICE that Plaintiffs University of Wisconsin Hospital and Clinics, Inc., and University of Wisconsin Medical Foundation, Inc. respectfully moves the Court for summary judgment pursuant to Federal Rule of Civil Procedure 56 on the grounds that (1) the Plan Administrator unreasonably interpreted the alcohol limitation, (2) the Plan Administrator unreasonably applied to the alcohol limitation to Brennan Cain, and (3) the letter by the Defendants to Brennan Cain did not provide detailed rationale for the denial and was insufficient to provide the insured with “the required clear and precise understanding” of why their coverage request was denied.

This motion is further grounded on all paper hereto filed and served in this action, together with the accompanying brief and affidavit.

Dated at Watertown, Wisconsin on this 13th day of December, 2012.

s/ Mark S. Sweet

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Attorney Mark S. Sweet

State Bar No: 1019001

Attorney for the Plaintiffs, UNIVERSITY OF  
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